

January 22, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, January 22, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, CARY GAINES, JOHN PARKER, CHARLIE HIGHT, and MURRY WITCHER, a quorum was declared. Alderman OLEN THOMAS was absent (7/0). City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also lead by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, January 8, 2007, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 3, and 4 were accepted and filed (7/0).

1. Mr. Donnie Lindsey, II, letter to Mayor Hays and City Council members re: thank you for renaming 7th Street to Bishop Lindsey Avenue honoring his father.
3. Mr. Mike Wilson, Vice President of Government Affairs, Comcast Cable letter to Mayor Hays re: informational notice to customers.
4. Mr. Stephen R. Mitchell, President, Argenta Community Development Corporation letter to Mayor and City Council re: support expansion of Argenta Historic District as proposed by North Little Rock Historic District Commission.

On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Ms. Marcella O'Connor, MMC, President International Institute of Municipal Clerks letter to Mayor Hays re: Linda Marshall, CMC, Assistant City Clerk has qualified for First Level Membership in the Master Municipal Clerk Academy.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #5 was read by title only, accepted and filed (7/0).

5. Mayor Hays letter to City Council re: appointing Tom Wadley, Director North Little Rock Code Enforcement, effective January 1, 2006, salary \$50,212.00 effective January 1, 2007.

Mayor Hays reconvened a public hearing at 7:07 p.m. regarding O-07-05, a proposed amendment to the local historic district ordinance to expand boundaries. Mr. Gary Clements is a resident and business owner in the Argenta neighborhood. He is the chairman of the Argenta Historic District. Mr. Clements reiterated his comments from the previous public hearing. Mr.

Paul Dodds is President of the Historical Alliance of Arkansas. When he moved to central Arkansas, he looked at homes in the Argenta area. There is a benefit to the community and increased property value if it is located within a historic district. Mr. Michael Drake, Director of Main Street/Argenta read a resolution from his board of directors supporting expansion of the current historic district. Mr. Steve Mitchell lives at 404 West 5th Street. He said historic districts provide a type of “insurance” to an area. Mr. Mitchell said the Argenta Community Development Corporation supports the proposed expansion in its entirety. Ms. Leslie Middleton’s property is a non-historical commercial building. Her concerns were who do you appeal to if you do not agree with the commission. She advised the certification had not come through yet and asked the council to delay voting until the designation is received from the National Historic Register. Mr. Don Chambers lives in the district. He said there are avenues to go through if a person has violated the guidelines of a historic district. Mr. Scott Miller lives and owns businesses within the district. He is president of the Argenta Neighborhood Boosters Association. Mr. Miller presented a powerpoint containing photos of the properties which have requested to be omitted from the district, including Ms. Middleton’s and Horton Brothers Printing Company. The presentation also included photos of types of businesses which could be allowed under certain current zoning. Mr. Miller encouraged the council to pass the expansion. Sandra Taylor Smith advised the History Commission is waiting for notification from the Federal Government regarding certification from the National Historic Register. Mr. Suskie offered suggestions to the council, including waiting until the certificate has been received (before adopting the legislation). Becky Ragsdell and her husband recently moved to the Argenta Historic District. She encouraged the council to support the legislation. Mrs. Sarah Kenser read a letter from Al Henager, Pastor and Session Moderator, First Presbyterian Church, 201 West 4th Street urging the council to expand the Historic Argenta District. Mr. Clements reviewed when a “certificate of appropriateness” would be required, including changes to the exterior of a building. Mayor Hays adjourned the public hearing at 7:52 p.m. Without objection, O-07-05 was called.

O-07-05

AN ORDINANCE AMENDING ORDINANCE NO. 6768 TO ESTABLISH NEW BOUNDARIES FOR THE ARGENTA HISTORIC DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Hight, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. The legislation was then held by the sponsor, Alderwoman Robinson to allow time for the Certificate from the National Historic Preservation to be granted.

Mayor Hays recessed the meeting briefly to allow those present for the first public hearing to leave.

Mayor Hays convened a public hearing at 7:58 p.m. regarding O-07-01, allowing a special use for a Concrete Batch Plant in an I-1 zone for property located at 7000 East Meadow Lane. Mr. Robert Voyles, Planning Director provided an aerial illustration of the area and pointed out the site of the proposed concrete batch plant, current businesses and a proposed residential development. Alderman Parker said he had concerns with regard to views in the area (referencing existing properties). He is not a proponent of concrete plants. He sponsored the

legislation for the consideration of the council. Mr. Voyles said an existing concrete plant in the area is properly zoned and did not have to come before the council. Mr. Josh Minton represents Austin Ready Mix. He provided photos of various types of businesses currently located in the area and the zoning types. Mr. Bob Holloway spoke against the proposed special use. He is developing approximately 440 acres in the area which will consist of upscale homes. Mr. Rex Robinson is with Ford Development, Dallas, Texas and the developer. Alderman Hight asked if bike paths were being considered in the area. Alderwoman Robinson said 10 trucks in and out of the area will create a lot of traffic, noise and dust. Mr. Joe Reynolds has lived in the area for 28 years and said he and members of the Meadow Lane Homeowner's Association are opposed to this special use. Concerns included the effects on drainage and wear and tear of the roadway due to the additional heavy trucks. Mr. Minton said the plant would not effect drainage. Mr. Ray Alexander owns an adjacent property and advised East Meadowane has had heavy industrial usage for years. Mr. Alexander cited some of the existing businesses and previous uses of the property in question. He supports this proposed special use. Mrs. Brenda Mortimer lives in the middle of the businesses on MacArthur Drive. She cannot grow a garden and trees are dying. She said the cause was contaminated water and fumes from trucks. She is opposed to the special use. Mr. Bruce Edward Mortimer opposes the special use. A business in the area is dumping diesel fuel in the ditch. Mayor Hays adjourned the public hearing at 8:45 p.m. Without objection the legislation was called (see unfinished business below).

UNFINISHED BUSINESS

O-07-01

AN ORDINANCE ALLOWING A SPECIAL USE FOR A CONCRETE BATCH PLANT IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 7000 EAST MEADOW LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on January 12, 2007, was called. A public hearing was held this date. The ordinance was read a second time. After additional discussion, and on the motion of Alderman Gaines, and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderman Parker who voted no, the item was tabled (6/1).

NEW BUSINESS

R-07-06 (RESOLUTION NO. 7045 - MAYOR HAYS)

A RESOLUTION APPOINTING ALDERMAN MURRY WITCHER TO THE UNEXPIRED TERM OF ALDERMAN MARTIN GIPSON ON THE NORTH LITTLE ROCK NON-UNIFORMED EMPLOYEES RETIREMENT BOARD; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows: *attach personal information sheet* (7/0). On the motion of Alderman Hight and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-07 (RESOLUTION NO. 7046 - MAYOR HAYS)

A RESOLUTION APPOINTING ALDERMAN NEIL BRYANT TO THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows:: *attach personal information sheet* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-08 (RESOLUTION NO. 7047 - MAYOR HAYS, ALDERMEN BRYANT AND ROSS)
A RESOLUTION APPOINTING JEANNE HYDE TO THE UNEXPIRED TERM OF
ALDERMAN NEIL BRYANT ON THE NORTH LITTLE ROCK PARKS AND
RECREATION COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Bryant and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *attach personal information sheet* (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0). Mayor Hays recognized Mrs. Hyde who was present along with her husband, State Representative Barry Hyde. Mrs. Hyde said she appreciates the opportunity to serve.

R-07-09 (RESOLUTION NO. 7048 - MAYOR HAYS)
A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FOR PURCHASES OF
EQUIPMENT, FURNITURE AND OFFICE DECOR FOR THE PATRICK H. HAYS SENIOR
CITIZENS CENTER FROM THE 2005 SALES AND USE TAX FUND AND FROM GRANT
FUNDS AWARDED BY THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-07-10 (RESOLUTION NO. 7049 - MAYOR HAYS)
A RESOLUTION AUTHORIZING THE MAYOR TO SEND A LETTER IN SUPPORT OF
RICH SMITH DEVELOPMENT, LLC FOR LOW INCOME HOUSING TAX CREDITS FOR
THE CONSTRUCTION OF THE RIDGE AT NORTH LITTLE ROCK PHASE II IN THE
CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. Mayor Hays invited Mr. Smith to come forward and review the request which would include 56 units (*see handout provided this date*). Alderman Parker asked about the boundaries. Mayor Hays reviewed the process regarding the letter of support and Alderman Parker's traffic concerns. A motion to adopt was made by Alderman Bryant and seconded by Alderman Hight. On the motion of Alderman Parker and seconded by Alderman Bryant, and by consent of all members present, the resolution was amended as follows:: *substitute Exhibit "A" provide this date - changing number of units from 64 to 56* (7/0). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (7/0).

R-07-11 (RESOLUTION NO. 7050 - MAYOR HAYS)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A
PROJECT AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK AND GDS
ASSOCIATES, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman Robinson. Mayor Hays asked Mr. Joe Gertsch, General Manager North Little Rock Electric to come forward. Mayors Hays discussed

the implementation of the new electric rates January 1, 2007. He was aware (due to the billing cycles (16)), the new fees would begin after January 1 and include services provided during the month of December. It would have been difficult to read 37,000 meters in one day. This is consistent with rate increase procedures used by other utilities. Those who saw the increase first will also be the first to benefit from reduced rates when the rates decrease. Mayor Hays also discussed power supplied from the Hydro Electric Plant. Alderman Gaines said he had talked with the mayor about electric rates and had asked if there would be a way to provide a rebate. Alderman Witcher said it could cause a deficit which would in effect increase the electric rates more. Mayor Hays said it may be necessary to ask the council to consider borrowing money to offset the increase. Mr. Gerstch reviewed possible options and the RFP process. Alderman Witcher asked about daily pricing and if there was any place to acquire power locally. A location in Wrightsville was mentioned. Power acquired through "equity ownership" was also discussed. On the previous motion, and all members present having voted in the affirmative, the resolution was adopted (7/0).

Mayor Hays introduced Mr. D. J. Smith, who will be covering city events for the *Times*. Mr. Smith is from New York.

R-07-12 (RESOLUTION NO. 7051 - MAYOR HAYS)

A RESOLUTION AUTHORIZING ACCEPTANCE OF A GRANT TO THE NORTH LITTLE ROCK FIRE DEPARTMENT FROM THE U S DEPARTMENT OF HOMELAND SECURITY FOR DRIVING AND INCIDENT COMMAND SIMULATORS; APPROPRIATING FUNDS FOR THE 20% LOCAL SHARE; AND FOR OTHER PURPOSES, was read. Mayor Hays asked Fire Chief Joe McCall to come forward. The new ariel ladder truck was on display prior to the council meeting. Chief McCall encouraged people to come by Central Station to see it. The Simulator in question would save the city money in training (fuel and wear and tear). It could also be used by other city departments to train truck drivers. On the motion of Alderman Witcher and seconded by Alderman Bryant, and by consent of all members present, the resolution was adopted (7/0).

O-07-03 (ORDINANCE NO. 7908 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR PURCHASE OF USED FURNISHINGS FOR THE MAIN OFFICE AREA OF THE DICKEY-STEPHENS BASEBALL STADIUM (\$60,935.00); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Bryant and seconded by Alderman Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. Joe Smith, Director of Commerce and Governmental Affairs (Purchasing) said the furniture is in excellent condition and worth more. The furnishing is for office areas only. These funds will come from the Ballpark Fund. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-04

AN ORDINANCE ADOPTING AN AMENDED LAND USE PLAN FOR THE INDIAN HILLS AREA AROUND JFK BOULEVARD AND NORTH HILLS BOULEVARD IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read one time and held by the sponsors, Aldermen Hight and Witcher. A public hearing was scheduled for 7:05 p.m., Monday, February 12, 2007.

O-07-05

AN ORDINANCE AMENDING ORDINANCE NO. 6768 TO ESTABLISH NEW BOUNDARIES FOR THE ARGENTA HISTORIC DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A public hearing was held on Monday, January 8, 2007, and reconvened this date (see above). On the motion of Alderwoman Robinson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time and held at the request of the sponsor, Alderwoman Robinson.

O-07-06 (ORDINANCE NO. 7909 - ALDERMAN PARKER)

AN ORDINANCE GRANTING A CONDITIONAL USE FOR A DAY CARE CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST END OF RIVERVIEW CORPORATE DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Parker and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson asked why enrollment, and other specifics were not included in the ordinance. Mr. Voyles advised those items are covered under Section 2 and in Exhibit "B". On the motion of Alderman Parker and seconded by Alderwoman Robinson, and by consent of all members present, with the exception of Alderman Witcher who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. On the motion of Alderman Parker and seconded by Alderwoman Robinson, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (7/0). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Witcher who voted no, emergency clause adopted (6/1). (*Applicant: Chris Flake*)

Mayor Hays asked Mr. Voyles to advise applicants they should be present at council meetings when their request is before the council so they can answer questions.

O-07-07 (ORDINANCE NO. 7910 - ALDERWOMAN ROSS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A HOME DAY CARE IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 219 EAST 12TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson wanted to make sure the applicant understood the hours of operation allowed in the ordinance. Ms. Tanika Harris and her father, Jerry Warren said they understood

the requirements and agreed to comply. Ms. Harris said she plans to open in April. She lives at the location. On the motion of Alderwoman Robinson, and seconded by Alderman Bryant, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (7/0). On the emergency clause, all members present voted in the affirmative, with the exception of Alderman Witcher who voted no, emergency clause adopted (6/1). (*Applicant: Tanika Harris*)

PUBLIC COMMENTS-----

Mayor Hays congratulated former State Senator Cliff Hoofman on his recent appointment to the Arkansas Highway and Transportation Commission. Alderwoman Robinson asked about businesses opening after approval from the Planning Commission but prior to approval from the City Council. Mr. Suskie advised legal action could be taken against them. Alderman Witcher advised Operation "Diaper Drop" has been extended until February 14, 2007. Diapers can still be dropped off at any North Little Rock Fire Station, City Hall or the Chamber of Commerce. Alderman Witcher said the Arkansas Municipal League recommends not including an emergency clause in legislation unless an actual emergency exists and encouraged everyone to look at when an emergency clause is included. The Municipal League also recommended establishing council meeting procedures (such as Robert's Rules of Order) each time new members are added. Mayor Hays spoke regarding suspending the rules and emergency clauses. Alderman Gaines said he had an opportunity to tour the Electric Department and thanked Mr. Gertsch for the detail and explanation. Alderman Hight announced the 2006 North Little Rock Sertoma Club Christmas Parade Trophies will be presented Monday, February 12, 2007. Mr. Matthew Richard thanked the council for slowing down the process by looking at suspension of the rules and reducing emergency clauses which would allow the people time to review pending legislation. Mr. Richard said he asked in December when his electric rates would increase. Mr. James Ard suggested a city impound lot to raise money for the city. He also said employees of the city should be qualified for their jobs.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by agreement of all members present, the meeting adjourned at 10:20 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, February 12, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS

ATTEST: DIANE WHITBEY, CITY CLERK